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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

KELVIN D. DANIEL, et al

Plaintiffs,

v.

SWIFT TRANSPORTATION  
CORPORATION,

Defendant.

Case No. 2:11-cv-01548-PHX-ROS

**DECLARATION OF LEONARD A.  
BENNETT**

Assigned to: Hon. Roslyn O. Silver

1 I, Leonard A. Bennett, declare:

2 1. My name is Leonard A. Bennett. I am over 21 years of age, of sound mind,  
3 capable of executing this declaration, and have personal knowledge of the facts stated  
4 herein, and they are all true and correct.

6 2. I am one of the attorneys working on behalf of the Plaintiffs in the above  
7 styled litigation, and I am an attorney and a principal of Consumer Litigation Associates,  
8 P.C., a seven-attorney law firm with offices in Hampton Roads, and Fairfax, Virginia. My  
9 primary office is at 763 J. Clyde Morris Blvd, Suite 1A, Newport News, Virginia 23601.  
10

11 3. Since 1994, I have been and presently am a member in good standing of the  
12 Bar of the highest court of the State of Virginia, where I regularly practice law. Since  
13 1995, I have been and presently am a member in good standing of the Bar of the highest  
14 court of the State of North Carolina. I have also been admitted to practice before and am  
15 presently admitted to the following federal courts:  
16

17	<b>Court:</b>	<b>Date Admitted:</b>
18	United States Supreme Court	2005
19		
20	United States Court of Appeals for the	
21	Fourth Circuit	2007
22	Third Circuit	2007
23	Sixth Circuit	2011
24	Ninth Circuit	2009
25	Eleventh Circuit	2011
26		
27	United States District Court for the	
28	Eastern District of Virginia	1994
	Western District of Virginia	2004
	Eastern District of North Carolina	2005
	Western District of North Carolina	2007
	Middle District of North Carolina	2009
	Western District of Wisconsin	2008

1	Eastern District of Wisconsin	2006
2	Eastern District of Michigan	2004
3	Northern District of Illinois	2003
4	Northern District of Ohio	2011
5	Western District of Tennessee	2012

6 I have been admitted *pro hac vice* in United States District Courts across the country  
 7 including Alabama, California, Louisiana, Florida, Rhode Island, Hawaii, New  
 8 Hampshire, Connecticut, Ohio, South Carolina, Pennsylvania, Arizona, Massachusetts,  
 9 Tennessee, Georgia, Wyoming, Texas, Louisiana, Washington, Kentucky and Maryland.

10 I have never been denied admission *pro hac vice*.

11 5. Since 1996, my practice has been limited to consumer protection litigation.  
 12 While my experience representing consumers has come within several areas, my most  
 13 developed area of expertise is in plaintiffs litigation under the Federal Consumer Credit  
 14 Protection Act, 15 U.S.C. § 1601, et seq., and in particular the Fair Credit Reporting Act,  
 15 15 U.S.C. § 1681, et seq., the Equal Credit Opportunity Act, 15 U.S.C. § 1691, et seq.,  
 16 and the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq.

17 6. I am on the Board of Directors of the National Association of Consumer  
 18 Advocates, on the Partners Council of the National Consumer Law Center and a member  
 19 of the Public Justice Foundation. I have been named as a multi-year Virginia Super  
 20 Lawyer and a 2009 Virginia Leader in the Law.

21 7. I have been invited to and did testify before the United States House  
 22 Financial Services Committee on multiple occasions. I have also been invited to and did  
 23 serve on a Federal Trade Commission Round Table and Governor Kaine's Virginia  
 24 *Protecting Consumer Privacy* Working Group, all in this field.

1           8.       Since 2001, I have been asked to and did speak at numerous seminars and  
2 events in the area of Consumer Credit Protection litigation. These included the following:

3                   **2011**

4 Virginia Trial Lawyers Association, *Advocacy Seminar*, October 2011, Multiple locations;  
5 National Association of Consumer Advocates, *Fair Credit Reporting Act National*  
6 *Conference*, Memphis, TN, May 2011, Speaker  
7                   *Multiple Panels;*

8 Stafford Publications CLE, National Webinar, April 2011  
9                   *"FCRA and FACTA Class Actions: Leveraging New Developments in*  
10 *Certification,               Damages and Preemption."*

11                   **2010**

12 National Consumer Law Center, National Consumer Rights Conference, Boston, Speaker  
for Multiple Sessions, November 2010;

13                   **2009**

14 Virginia State Bar, Telephone and Webinar Course, Virginia, 2009  
15                   *"What's Going On Here? Surging Consumer Litigation – Including Class Actions*  
16 *–*  
17 *in State and Federal Court."*;

18 National Association of Consumer Advocates, *Fair Credit Reporting Act National*  
19 *Conference*, Chicago, IL, May 2009,  
20                   *Multiple Panels;*

21 National Consumer Law Center, National Consumer Rights Conference, Philadelphia,  
22 Speaker for Multiple Sessions, November 2009;

23                   **2008**

24 National Consumer Law Center, National Consumer Rights Conference, Portland, OR,  
25 Speaker for Multiple Sessions, November 2008;

26 Washington State Bar, Consumer Law CLE, Speaker, September 2008

27                   **2007**

28 Washington State Bar, Consumer Law CLE, Speaker, July 2007

House Financial Services Committee, June 2007

National Consumer Law Center, National Consumer Rights Conference, Washington,

1 D.C., Speaker for Multiple Sessions, November 2007

2 National Association of Consumer Advocates, *Fair Credit Reporting Act National*  
3 *Conference*, Denver, Colorado, May 2007,  
4 *Multiple Panels*;

5 U.S. Army JAG School, Charlottesville, Virginia, Consumer Law Course Instructor, May  
6 2007

7 Georgia State Bar, Consumer Law CLE, Speaker, March 2007

8 **2006**

9 Contributing Author, *Fair Credit Reporting Act, Sixth Edition*, National Consumer Law  
10 Center, 2006.

11 National Consumer Law Center, National Consumer Rights Conference, Miami, FL,  
12 Speaker for Multiple Sessions, November 2006

13 Texas State Bar, Consumer Law CLE, Speaker, October 2006  
14 *Federal Claims in Auto fraud Litigation*

15 Santa Clara University Law School, Course, March 2006  
16 *Fair Credit Reporting Act.*

17 Widener University Law School, Course, March 2006  
18 *Fair Credit Reporting Act.*

19 United States Navy, Navy Legal Services, Norfolk, Virginia, April 2006  
20 *Auto Fraud*;

21 **2005**

22 Missouri State Bar CLE, Oklahoma City, Oklahoma,  
23 *Identity Theft*;

24 National Consumer Law Center, National Consumer Rights Conference, Boston, Mass.  
25 *Multiple panels.*

26 National Association of Consumer Advocates, *Fair Credit Reporting Act National*  
27 *Conference*, New Orleans, Louisiana (May 2005),  
28 *Multiple Panels*;

United States Navy, Naval Justice School (JAG Training), Newport, Rhode Island,  
*Consumer Law.*

1           **2004**

2           American Bar Association, Telephone Seminar;  
3           *Changing Faces of Consumer Law,*

4           National Consumer Law Center, National Consumer Rights Conference, Boston, Mass.  
5           *Fair Credit Reporting Act Experts Panel;* and  
6           *ABCs of the Fair Credit Reporting Act.*

7           National Association of Consumer Advocates, *Fair Credit Reporting Act National*  
8           *Conference*, Chicago, Illinois;  
9           *Multiple Panels*

10          Oklahoma State Bar CLE, Oklahoma City, Oklahoma,  
11          *Identity Theft;*

12          Virginia State Bar, Telephone Seminar,  
13          *Identity Theft;*

14          United States Navy, Naval Justice School (JAG Training), Newport, Rhode Island,  
15          *Consumer Law*

16          United States Navy, Navy Legal Services, Norfolk, Virginia,  
17          *Auto Fraud;*

18          Virginia State Bar, Richmond and Fairfax, Virginia,  
19          *Consumer Protection Law;*

20          Michigan State Bar, Consumer Law Section, Ann Arbor, Michigan;  
21          *Keynote Speaker.*

22               9. I have substantial experience in complex litigation, including class action cases,  
23               prosecuted under the Consumer Credit Protection Statutes, including the Fair Credit  
24               Reporting Act, the Equal Credit Opportunity Act, and the Fair Debt Collection Practices  
25               Act.

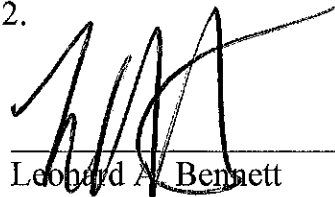
26               10. In each of the class cases where I have represented Plaintiffs in a Consumer  
27               Credit case, the Court found me to be adequate class counsel and in each I was lead or  
28               executive committee counsel.

1  
2 11. I have substantial experience in complex litigation, including class  
3 action cases, prosecuted under the Consumer Credit Protection Statutes, especially  
4 the Fair Credit Reporting Act. In each of the class cases where I have represented  
5 Plaintiffs in a Consumer Credit case, the Court found me to be adequate class  
6 counsel and in each I was lead or executive committee counsel. I have litigated in  
7 excess 500 federal cases under the Fair Credit Reporting Act, and of course a  
8 greater number of federal cases overall. Since 2004, my law firm has maintained  
9 one of the largest civil federal dockets in the Eastern District of Virginia and one of  
10 the largest FCRA dockets in the nation. As of 2011 I had tried more FCRA cases to  
11 a jury than any attorney in the nation. As of the date of this declaration, I have lost  
12 only seven federal cases at trial or by dispositive motion. I have been lead, co-lead  
13 or executive committee counsel in approximately twenty-five class action cases that  
14 were certified either via contested motion or in settlement. I have also been lead,  
15 co-lead or executive committee counsel in four of the five largest FCRA class  
16 settlements in the gross common fund amounts of \$51 million, \$29 million, \$22  
17 million and \$6.89 million.  
18  
19

20 12. I have effectively handled numerous consumer-protection and complex class  
21 actions, typically as lead or co-lead counsel. Senior U.S. District Court Judge Payne  
22 stated, "the Court finds that Soutter's counsel [Bennett] is qualified, experienced, and able  
23 to conduct this litigation. Counsel is experienced in class action work, as well as  
24 consumer protection issues, and has been approved by this Court and others as class  
25 counsel in numerous cases." *Soutter v. Equifax Info. Services, LLC*, 3:10CV107, 2011  
26 WL 1226025 (E.D. Va. Mar. 30, 2011).  
27  
28

1  
2 I declare under penalty of perjury of the laws of the United States that the  
3 foregoing is correct.

4 Signed this 1<sup>st</sup> day of October, 2012.

5  
6   
7 Leonard A. Bennett